

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jonathan DeLine)
Application No. 10/708,433) Confirmation # 2432
Filed: March 3, 2004)
Examiner: Marcos L. Torres)
Group Art Unit: 2617)
Title: APPARATUS FOR MOBILE)
TERMINAL DISPLAY)

)

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Commissioner for Patents
P.O. Box 1450
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APPELLANT'S REPLY BRIEF
(37 CFR 41.41)

This Reply Brief is being submitted in response to the examiner's answer mailed March 18, 2009.

Status of claims

Claims 1-3 are cancelled. Claims 4-10 are pending. The August 10, 2006, final rejection of all pending claims is being appealed herein.

Grounds of rejection to be reviewed on appeal

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0158999 of Shima in view of Mizuta (EP 1298890). The examiner correctly notes that Shima does not specifically disclose means for rotating the display for allowing the display to rotate in a direction perpendicular to the axis of the pivotal mounting for positioning one of the inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover. The examiner relies on Mizuta which, according to the examiner, discloses a mobile terminal for use in a wireless communication system comprising a rotational joint mounted between the housing and the display for allowing the display to rotate in a plane about an axis perpendicular longitudinal axis of the housing, wherein the display is mounted to the housing at a position along the longitudinal axis of the housing. The examiner concludes it would have been obvious to one of the ordinary skill in the art to combine these teachings for the simple purpose of easier view to the user.

Argument

Applicant reiterates that the examiner has not made a *prima facie* case for obviousness since there is no motivation or suggestion to combine the references.

The examiner's answer fails to persuade on this issue. The examiner contends that the problem is the user's ability to easily view the information in the display screen of a mobile phone, which is solved both by Shima and Mizuta. The examiner concludes that because both references are analogous and directed to the same field of endeavor, it would be obvious to one of the ordinary skill in the art at the time of the invention to add the hinge of Mizuta to the Shima device to add additional movement to the display and facilitate the view to the user.

To the contrary, the examiner fails to acknowledge Shima discloses a pivoting three-part phone, while Mizuta merely shows a jackknife phone with a traditional housing and flip cover. A person of ordinary skill in the art seeking to improve a pivoting three-part phone would not look to a jackknife phone for guidance. More specifically, a person of ordinary skill in the art would not be motivated by Shima to look to Mizuta to provide a rotational joint for the pivoting display of a three-part phone.

Even assuming the examiner has made a *prima facie* case for obviousness, the Applicant respectfully submits that independent claims 1 and 6 patentably distinguish from the above references. Claims 1 and 6 recite, *inter alia*, a mobile terminal comprising a three-part phone: a housing, a display movably mounted to the housing for movement relative to the housing, and a flip cover pivotally mounted to the housing and movable relative to the housing and the display. Means for rotating the display, such as a rotational joint, is provided between the housing and the display for allowing the display to rotate. These features, with the advantages described above, are neither taught nor suggested by the references. While Shima is a three-part phone, Shima fails to disclose a rotating display. Mizuta is a conventional two-part phone, wherein the flip cover is rotatable. A rotatable display is simply not shown between a housing and flip cover by the references, either alone or in any reasonable combination suggested by the prior art.

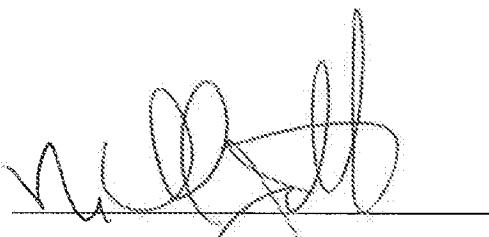
Claims 5 and 7-10 of the present application all depend from claims 4 and 6. In addition to the distinguishing features recited in claims 4 and 6 and discussed above, the mobile terminal of the present invention has additional advantageous features defined in the dependent claims which further distinguish the present invention over the prior art. The references do not disclose or suggest these features with their many advantages.

For the reasons state above, Applicant respectfully submits that the rejection standing in this application is improper. The Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103. Therefore, Applicant respectfully submits that claims 4-10 are in condition for allowance. Accordingly, the reversal of the rejection of claims 4-10 is respectfully requested.

Respectfully submitted,

Date: 5-18-09

By:

A handwritten signature in black ink, appearing to read "Michael G. Johnston".

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